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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,446	10/26/2000	David Bruce Kumhyr	AUS9-2000-0501-US1	3535
7590	05/12/2005		EXAMINER	
Kelly K Kordzik 100 Congress Avenue Suite 800 Austin, TX 78701			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/697,446	KUMHYR ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the amendment received on 12/09/2004.
2. The objection to claims 3, 11, and 19 due to trademark "Java" is withdrawn in view of applicant's amendment.
3. The rejection under 35 U.S.C. §101 to claims 1, 9, and 17 is withdrawn in view of applicant's amendment.
4. The rejections under 35 U.S.C. §112 second paragraph to claim 1, 3, 9, 11, 17, and 19 is withdrawn in view of applicant's amendment.
5. New Claims added by the applicant: None.
6. Claims amended by the applicant: 1-3, 9-11, and 17-19.
7. Claims pending in the application: 1-24.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 1, 2, 7-10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,304,870 to Kushmerick et al, hereinafter called Kushmerick, in view of US Patent No. 6,094,649 to Bowen et al, hereinafter called Bowen.

Per claim 1, 7, and 8:

Kushmerick discloses:

- *scanning a code for a first pair of delimiters* (col. 8, line 25-28 “The wrapper searches for pairs of delimiters that indicate the beginning and end of each attribute; the page is scanned for these delimiters and the extracted text returned the end-of-string delimiter”);
- *determining whether a string within said pair of string delimiters* (col. 8, line 25-28 “the page is scanned for these delimiters and the extracted text returned the end-of-string delimiter”).

Kushmerick, does not explicitly discloses the path name is a resource file.

However, Bowen discloses in an analogous computer system the path name is a resource file (col. 7, lines 45-49 “resource locators include URLs, hot links, file paths, and distinguished names, object class names, table names, and primary database key values, among others”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of directing a path or file name to a different location as taught by Bowen in to the method of scanning code as taught by Kushmerick. The modification would be obvious because of one of ordinary skill in the art would be motivated to direct to a specific data base or directory depending on the data structure as taught by Bowen (col. 4, lines 20-28).

The limitation regarding non-externalized string in the preamble is not given any patentable weight because the body of the claim does not recite any limitations related to the staged software development.

Per claim 2:

The rejection of claim 1 is incorporated and further Kushmerick does not explicitly disclose wherein said string is not flagged as a possible hard-coded string if said string is a path name to said resource file.

However, Bowen discloses in an analogous computer system *identifying the string as a possible hard-coded string if said string is not a path name to said resource file* (col. 4 lines 22-26 “One method of the invention begins... selection... one data... in the structured database; each selected item... data and has a corresponding location identifier which identifies the item's location within the structured database”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of directing a path or file name to a different location as taught by Bowen in to the method of scanning code as taught by Kushmerick. The modification would be obvious because of one of ordinary skill in the art would be motivated to direct to a specific data base or directory depending on the data structure as taught by Bowen (col. 4, lines 20-28).

The feature of identifying the string as a possible hard-coded string if said string is not a path name to said resource file would be obvious for the reasons set forth in the rejection of claim 1.

Claim 9 is the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 10 is the computer program product claim corresponding to method claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Claims 15 and 16 are the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

10. Claims 3-6 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushmerick, Bowen in view of admitted prior art.

Per claim 3:

The rejection of claim 1 is incorporated, and further, neither Kushmerick nor Bowen discloses code comprises Java code.

However, admitted prior art discloses *wherein said code comprises platform-independent byte code* (Applicant's specification, page 2, lines 17-18 "application... programming language... Java... implemented using objects").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of including JAVA code as taught admitted prior art in corresponding to method of extracting code/text within the delimiters as taught in the combination system by Kushmerick and Bowen. The modification would be obvious because of one of ordinary skill in the art would be motivated include the JAVA code for the application to work for Internet.

Per claim 4:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen discloses where in said path name is a uniform resource locator.

However, admitted prior art discloses *wherein said path name is a uniform resource locator* (Applicant's specification, page 11, lines 8-9 "Path name to resource bundles... commonly referred... uniform resource locator (URL)").

The feature of path name is a uniform resource locator would be obvious for the reasons set forth in the rejection of claim 3.

Per claim 5:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen discloses where in said resource file is a resource bundle.

However, admitted prior art discloses *wherein said resource file is a resource bundle* (Applicant's specification, page 3, line 18 "resource files commonly referred to in Java as resource bundles").

The feature of where in said resource file is a resource bundle would be obvious for the reasons set forth in the rejection of claim 3.

Per claim 6:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen disclose wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation.

However, admitted prior art discloses wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation

(Applicant's specification, page, 11, line 9 "URL's are commonly identified by their dotted signature").

The feature of wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation would be obvious for the reasons set forth in the rejection of claim 3.

Claim 11 is the product claim corresponding to method claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 12 is the product claim corresponding to method claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Claim 13 is the product claim corresponding to method claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 14 is the product claim corresponding to method claim 6 and rejected under the same rational set forth in connection with the rejection of claim 6 above.

11. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushmerick, Bowen and further in view of Bell US Patent No. 6,275,978.

Per claim 17:

Neither Kushmerick nor Bowen disclosed system with a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism.

However, Bell discloses the system with a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism (col. 3, lines 11-28 “the computer system... comprises a processor... a system memory... an operating system (not shown). The processor 41 accepts data from system memory 42 over the local interface or bus 43. ... user can be signaled by using the input devices... a mouse 44 and keyboard 45. The action input and result output are displayed on the display terminal 46”)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the system including a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism as taught by Bell into the combination system of extracting code/text within the delimiters as taught in the combination system by Kushmerick and Bowen. The modification would be obvious because one of ordinary skill in the art would be motivated to have a system which includes a processor, memory, input/output mechanism to implement, store, have user input and display the result.

Claim 18 is the system claim corresponding to method claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Claim 19 is the system claim corresponding to method claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 20 is the system claim corresponding to method claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Claim 21 is the system claim corresponding to method claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 22 is the system claim corresponding to method claim 6 and rejected under the same rational set forth in connection with the rejection of claim 6 above.

Claims 23 and 24 are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Response to Arguments

12. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

- (i) The references (Kushmerick, Bowen, and Bell) do not disclose the step of determining and newly added step of flagging the string if it is not a path name as recited in claim 1.

Examiner's response:

- (i) In response to applicant's argument regarding the step of determining and newly added step of flagging the string if it is not a path name not disclosed by the references (Kushmerick, Bowen, and Bell). However, Kushmerick system determines the text within the delimiters (see the rejection above) and Bowen discloses extracting the path name enclosed by the keywords (see the abstract and rejection above), it would be obvious to flag the string which have been extracted as disclosed by Bowen

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having a hot link (flag) which are the object class name and the primary database key values (col. 16, lines 8-12). Applicant only makes general allegations and does not point out any errors in the rejection. Rather, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.

Conclusion

- (ii) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is (571) 272-3732.

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The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tuan Q. Dam** can be reached on **(571) 272-3695**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2191
05/16/2005



ANIL KHATRI
PRIMARY EXAMINER